



Attorney Docket No. 9400-54

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ronald Cantagaloo

Serial No.: 10/674,217

Group Art No.: 2643

Filed: September 29, 2003

Confirmation No.: 2506

For: METHODS OF OPERATING COMMUNICATION NETWORKS INCLUDING
COMMAND COMMUNICATIONS WITH IDENTIFICATIONS OF TARGET
LINES/DEVICES AND INITIATING DEVICES, AND RELATED SYSTEMS AND
COMPUTER PROGRAM PRODUCTS

January 19, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of September 29, 2003 rather than September 30, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of September 29, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com) , showing "acceptance" or deposit date with the USPS at 5:27 p.m. on September 29, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of September 30, 2003 instead of the Express Mail date of September 29, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of September 29, 2003 as the filing date pursuant to 37 CFR § 1.10.



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Serial No.: 10/674,217
Filed: September 29, 2003
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Scott C. Hatfield
Attorney For Applicant
Registration No. 38,176

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 19, 2004.

Lindsay L. Huey
Date of Signature: January 19, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9400-54
DATE: September 29, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

a patent application
 a Continuation a Divisional a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
 and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier: Ronald Cantagallo

Entitled: METHODS OF OPERATING COMMUNICATION NETWORKS INCLUDING COMMAND COMMUNICATIONS WITH IDENTIFICATIONS OF TARGET LINES/DEVICES AND INITIATING DEVICES, AND RELATED SYSTEMS AND COMPUTER PROGRAM PRODUCTS

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
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Customer No. 20792

Enclosed are:

1. Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. 28 pages of Specification (including 49 claims)
3. 1 sheets of Formal Drawings (35 USC 113)
4. Oath or Declaration
 - a. newly executed (*original or copy*)
 - b. copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional*) [Note Box 6 Below]
 - c. DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. Application Data Sheet. See 37 CFR 1.76
6. Incorporation By Reference (*useable if box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. Microfiche Computer Program (*Appendix*)
8. Assignment papers (*cover sheet(s) and document(s)*)
9. Applicant claims small entity status. See 37 CFR § 1.27.
10. Information Disclosure Statement, PTO-1449, and 2 references cited
11. Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. English Translation Document
13. Certified Copy of Application No. ; Filed
14. Sequence Listing/ Sequence Listing Diskette
 - a. computer readable copy
 - b. paper copy
 - c. statement in support
15. An Associate Power of Attorney
16. Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. Other:

The fee has been calculated as shown below:

| | Column 1 No. Filed | Column 2 No. Extra | Small Entity Rate | Large Entity Rate |
|---|-----------------------|-----------------------|----------------------|----------------------|
| BASIC FEE | | | \$375.00 | \$ 750.00 |
| TOTAL CLAIMS | 49- 20 = | 29 | x 09 = \$ | x 18 = \$ 522.00 |
| INDEP CLAIMS | 6- 3 = | 3 | x 42 = \$ | x 84 = \$ 252.00 |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented | | | + 140 = \$ | + 280 = \$ |
| <i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i> | | Total \$ | Total \$1524.00 | |

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 A check in the amount of \$1,564.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
 Please charge my Deposit Account No. 50-0220 in the amount of \$
 The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
a. Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
b. Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Scott C. Hatfield
Registration No. 38,176

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318420528 US

Date of Deposit: September 29, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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MS Patent Application

Commissioner for Patents

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Track & Confirm

Shipment Details

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Your item was delivered at 9:32 am on September 30, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

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- ARRIVAL AT UNIT, September 30, 2003, 8:18 am, DULLES, VA 20102
- ENROUTE, September 29, 2003, 7:44 pm, RALEIGH, NC 27623
- ACCEPTANCE, September 29, 2003, 5:27 pm, RALEIGH, NC 27612

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MS Patent Appl.

Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

SC4

Date: 02/20/03
Doc. No. 940054
Serial No.
Inventor: CANTABALLO

Sir: Kindly acknowledge receipt of the accompanying items listed below

by placing your receiving stamp hereon and return mailing:

Application Transmittal and:
 Specification pages 28
 No. of Claims 49
 Declaration & POA
 Assignment and Fee
 Small Entity Statement
 Formal Drawings/ 1 sheets
 Associate Power of Attorney
 Exp. Mail 1st Class Mail
Other:

Check \$ 1564-00
 IDS & PTO-1449 & 2 refs.
 Amendment & Amend. Transmittal
 Preliminary Amendment
 Issue Fee
 Brief
 Appeal
 Submittal of Priority Doc.

03945 U.S.PTO
10/6/4217



093003

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant



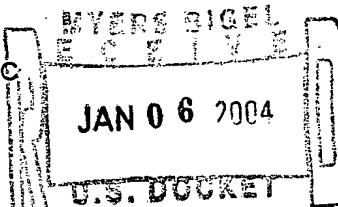
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/674,217 | 09/30/2003 09/25/2003 | 2643 | 1524 | 9400-54 | 1 | 49 | 6 |

20792
 MYERS BIGEL SIBLEY & SAJOVEC
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 RALEIGH, NC 27627



CONFIRMATION NO. 2506

FILING RECEIPT



OC000000011597600

Date Mailed: 01/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Ronald Cantagallo, Suwanee, GA;

Domestic Priority data as claimed by applicant**Foreign Applications****If Required, Foreign Filing License Granted:** 12/22/2003**P**rojected Publication Date: 03/31/2005**N**on-Publication Request: No**E**arly Publication Request: No**Title**

Methods of operating communication networks including command communications with identifications of target lines/devices and initiating devices, and related systems and computer program products

Preliminary Class

01-05-04 A03:48 TN

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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